Hawaiian Gazette,

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Custom House Building, Honolulu, H. I. Person and published by M. Rarrar, at the Govern sec Printing Office, in where all business comm

BUSINESS NOTICES.

CASTLE & COOKE, CETERS CENTRAL MERCHANTS, AND SENTEAL AGENTS. or hing how. opposite the feet

Do Echais Super Courses, Sured, No. Sades Seper Courses, Med. The Shewallar Super Note, Sen. The Standard Super Standards, Selec, and "Photomers" Wastle Not Schan, Kanne, Standard Kore Pyernedon, Kanne, Names and Company Standards, Wheeler & Wilson's Versiga Karkins, Sec. Species Standards, Sen.

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attention past to the Superces of Goods to the A. C. BEFFEN, M. D., PORT PHYSICIAN, AND SURGEON, r and Kartimor. No. 50 fort Street, Streetlin, Street me peaker of the Oxfords Charts, one day and highly when not perfectionally express.

JOHN H. PATY. Bettery Public and Commissioner of Deeds the man of Sutterns. Other at the Best of Riches. Substract Word, Stanfolis. (234)

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VOL. VI-NO. 15.

HONOLULU, WEDNESDAY, APRIL 27, 1870.

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A Superd Grand Plane, suitable for Concerts ess be bad on him-ales, a Cuttage Plant. [11-les WINDOW GLASS, - Asserted Sizes, for sale MONTH IN MER HACEFELD & CO. BLACKSMITH'S COAL,

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New York, Murch 17th, 1870. This is St. Patrick's day, the observance of

time, "seven snow storms make a winter." Here itants of tunnel traveling when the locomotive is in New York, though we are far advanced in the motive power. nich past, yet we have thus far experienced only by pneumatic pressure is no longer prolematical six considerable snows, not including the inter- it has been sufficiently tested in the portion which this March wind squeezes out of the reine- all confidence, as a solution of the passenger Atlantic has been remarkably mild and "open." Last month pansies and dandelions were blooming in the open air at Newport, and violets flow- bility with the more magnificent and expensive ered in Boston at Christmas time. Quite a con- Broadway Arcade scheme, we will not venture plaints of which are numerous throughout Europe. | question to the mercenary tergiversations of our in London on Feb. 12th, five inquests were held legislators at Albany. on the bodies of persons who had died from exposare to excessive cold. In Paris, Americans, as to make things look like the early resumption while grambling at the dearness of fuel and the of specie payments. Already, some retain lack of well constructed fire-places, or other suf- houses are advertising to give change to their ficient means of keeping warm, are enjoying them- customers in silver. selves and "astonishing the natives" by their skillful evolutions on the ice. In Russia and Po- Judge Allen a few weeks ago, and of hearing land the cold is frightful, 25° below zero, and in Dantzic on the Baltic, the theatres have been the annual alumni dinner of his Alma Maser, closed on account of the excessive cold. These Williams College, from whose reunions he had strange correlations of weather have set people been absent for over thirty years. CLAVIS. querying whether the Gulf Stream has not been diverted from its usual course and brought to direct its warm current against the bleak coasts of America, somemaintain that this is actually the case. Whatever is the explanation of these climatic perturbations, my sympathies are strongly with a writer who, in an essay lately published in Putnam's Magazine, entitled "Americans and some of their characteristics," which has made mite a stir among the critics, stigmatizes with a feeling which almost amounts to indignation, this

transfer of the warmth of the American tropics to Europe, as a "telluric larcency." In the future, when the Darien Canal and other minor engineering enterprises have been completed, will not some De Lesseps arise, who, by series of stupendous breakwaters, founded in the midst of the Atlantic, and built upon some submarine plateau, designed by Providence for this very purpose, shall succeed in turning the course of their oceanic artery of warmth and life and deflecting it upon our Atlantic coast whose raw east winds very much need tempering by such an influence. In this way would it not be possible to shut England out into the cold-thus the account once for all between this and the mother-and thus to busten, if not to change the

course of Empire. But at present New York is much more inerested in another engineering operation which concerns it more intimately. I refer to the Broadway presentic underground railway. About a year ago it was announced by the papers that a company had begun tunneling under Breadway for the construction of an underground railway. But public cariosity has not lend the opportunity of satisfying itself by inspection in this novel undertaking until about two weeks ago when the results of these subterranean operations were thrown open to the public. An undergound tunnel suggests to one the thought of s dismal place, loaded with mephitic vapors and but just sufficiently lighted to make the darkness visible. No such place as this is the turnel under Broadway. On descending a few cheerful office, passing through which, and going down a few steps more, we are in the passenger

This is a round tube of arched masonry, eight ties are uniform. 4 Ken, 267; the Zupplien feet in diameter, lined with iron, painted white case. on the inside, and perfectly lighted with a line of

three hundred feet. The tannel curves gently until it reaches the this Kingdom conforms thereto. niddle of Broadway, and then passes in a straight to carry it entirely clear of sewers and water and law of the land, we have not omitted to examine gas pipes. But even at this distance from the fully the authorities and principles involved. urface, the noise of the street is plainly audible, poording like the hum of machinery.

the busiest thoroughfare in America, with mole- death, to the son and his heirs in fee, vested to ask five feet in length, the unterior circumfera sharp rim of steel. Thus tube is forced through and the authorities cited therein, cover the presthe earth and sand by the pressure of eighteen ent case, and correctly state the law of the land hydranlic cylinders that are ranged about its posterior circumference, and are supplied with water by a common pump, connecting with a pump that is worked by hand. The power produced is equal to 126 tous. When the tunneling machine has been driven forward sixteen inches the excavation is arched with masonry, under the cover tions of property is certainty, and if an erroneous or heaty determination has got into practice, there is more benefit derived from adhering to caving it as the machine advances. This machine is intended only for tunneling through and and earth; when they come would solid rock, the usual process of drilling and busting is resorted the decision in that man were overraind. It is

A railroad track is laid in this tunnel, upon which rests a car, of a model adapted to transit through the underground gallery. The car is cylindrical, fitted to the bore of the tonnel, se a bullet to the take of its gun. The motire power. is this system of underground transportation, is merely air-thin air." This is forced into the

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port a car full of passengers, in order to "range the wind," the engineer couples the gearing of his stationary engine with that of the blower, and a continuous blast, having a positive force as St. PATRICK'S DAY-THE WEATHER-THE PARCdecided as that of Boreas himself, is conducted by a gallery into the tunnel, and projected against the rear of the car, propelling it forward at railroad speed, by pneumatic pressure, just as the beliet in the air-gon is propelled by the force of which is held by the wearers of the green to be compressed air. Think of being wafted along as sucred a duty and as great a privilege as is the | through an underground channel at the speed of due celebration of "the giorious 4th" by Ameri- a bird of passage! blown through the tube of a cans, or the annual offering of wine and cakes, monstrous air-gun at the rate of fifty or sixty josh sticks and candles, to the souls of their an- miles an hour! And this without the unpleas cestors by the pious followers of Confucius. ant sensation of great motion: without the It was a saying of the weather wise among the jarring, the smoke and dost, the heat and bad soldiers who wintered in Virginia during war-

Lect. and the regular winter months are well The success of this method of transportation mittent and petulent spitting of snow flakes, tunnel already completed to prove it worthy of tant sky to-day. The winter on this side of the transportation question in New York, or any other large city.

How this plan compares in utility and desira rast to this is the extreme cold weather, com- an opinion, but leave the practical decision of the

The rapid fall in gold, of late, has been so great We had the pleasure of meeting the Hon

him respond in a feeling manner to a toast at

Supreme Court-In Banco.

APRIL TERM, 1870. Minighan's Will. Case submitted on agreed statement.

The following are the material facts submitted riz. : Joseph Manghan, sen., died in Honolulu, in March, 1853, testate, leaving certain land on the Island of Oahu, thus disposed of in his will, which was duly probated : " I give devise, and bequeath to my wife, Hannah Maughan, during her lifetime, on condition that she provide for, and take charge of my son Joseph Maughan, all that property," etc.; " at her decease, said property to be equally divided between my two children, Joseph and Elizabeth Maughan, share

and share alike." The son, Joseph, died in November, 1859, devising all his property to the said Hannah Maughan, mentioning in his will, "my half of the land, devised as aforesaid. His will was duly admitted to probate. The said Hannah Manghan died in June, 1869; leaving Nancy avenging a long list of grievances, and squaring sole surviving blood relation. The daughter, Wirt, her sister, and party to this action, as her of the will of the senior Maughan, any devisable estate vested in the son Joseph before the wid ow's death, and whether the widow's beir, Nancy Wirt, or the daughter, Elizabeth, is entitled to the son's half.

A. F. JUDD, FOR THE DAUGHTER, RLIEABETS MACGHAN COLBURN. If this was a contingent estate, by the commo law it was not devisable. We claim that the contingency of the son surviving the widow, and the fact that he did not survive her, and that at her death there was no person in being designated by the will, to take the fee, is decisive of this case, provided the common law upon the subject is to be delared the law of this country

The testator having no interest in this land which

he could devise by will, the entire estate was steps below the side walk, we are ushered into a vested in the daughter. 2 Wash. Real Prop., 224. R. G. DAVIS, FOR NANCY WIRT. The will of the son, Joseph, must hold good room, which is a neatly wainscotted saloon, hung He had a vested interest in the land, possession with mirrors and pictures. At one end of this of which, by himself or his heirs, was postponed saloon is a flight of steps, by which we descend to the widow's death. His interest was fixed a few feet under ground, and reach the portal of not dependent on his going to Rome, or doing anything or upon any condition. The authori-

HARTWELL, J. : If, by the common law of Eng gas jets muning its whole length. The length of land and the United States, the terms of the the portion of tennel already completed is about senior Manghan's will would give a devisable interest, we have only to say whether the law of

This case has been presented amicably, to of firection for the rest of its course. The ceiling tain the ruling of the Court; but as its decision is twelve feet below the parement, deep enough must affect future cases, if it shall stand as the

We have to sid us, in the first place, the elal erate opinion of his Honor, the Chancellor, In Passing to the further end of this great bore, the Zopplien Will case. It was necessary, there we reach the machine by means of which this to decide whether an estate devised in trust for inder-ground gallery has been tunneled out under the widow and son during her life, and at her like silence and stillness, without disturbing a she widow upon the son dying before her; it was paring stoce, or exciting the suspicious of any held that the estate did not west in the widow by oe. This machine is a cylinder, resembling a lapse, but that at her death, the trustees must pay over the principal to the executors of the nce of which is wedge-shaped, and armed with and s will. We think the opinion referred to, to-day.

Aside from other considerations, a ruling by a Justice of this Court, so long acquiesced in by the community, should have great weight. /Minime sunt mutanda que interpretation semper habiterust. "The great object in quesit than if it were overturned. Many estates may be enjoyed under the authority of Coulses va Coelsen, the titles to which would be shaken if an established role to abide by former pe where the same points come again into litis steady, and not liable to warer with each new judge's opinion, as also because the law in that case being solemnly declared and determined, hat which was before uncertain and perhaps in different, is now become a permanent rule, which connel by means of a buge wind-making machine. | jt is not to the breast of any subsequent judge to alled a "blower." When it is desired to trans- alter on vary from according to his private judgHawaiian Gazetre BOOK AND JOB PRINTING ESTABLISHMENT

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ments, but according to the known laws said customs of the land; not delegated to pronounce a new law, but to maiotain and expound the old one." Per Lord Mansfield, in Hodgeon vs. Am brose, Dougl., 34. We gits the above for its excellent statement of the principles which govern the rulings of this Court, but which we are often arged by counsel to set aside. There are exceptions to the rule of stare decisis, but this is not one of them. The reminder fixed by Maughan's will in his two children, upon the death of the widow, was created by the same instrument with her life interest, and was equally vested, in interest, although not in present enjoyment.

This bequest was absolute, and was not ade on condition that the child survive the widow. If the survivorship of the child were stended by the testator as a condition precedent to the resting of the legacy, he should have said so, or given some intimation of such intentio by express words, or by limiting the estate over to some other person if the child should not survive. Van Wyck vs. Bloodgood, 1 Bradf. 172.

The gift is to the children by name, share and there alike, so that there is no joint tenancy or survivorship, but they hold as tenants in o There was, at the testator's death, a fixed right of future enjoyment of the property, coningent upon no uncertain event, for the widow was sure to die at some time, and not upon the legatee being personally ready to enjoy the prop-erty at her death. Even a contingent remainder may be alienated or devised, where the contin gency is not in the person who is to take, but merely in the event, the person being ascertained Wash., Real Pr., 238.

" It is not important to the vesting of a legacy remainder, that the legates in remainder should urvive the life tenant, since both interests yest at the death of the testator, and the legatee in remainder predeceasing the life tenant, only passes that interest to the next of kin of him utitled in remainder." 2 Redf. Law of Wills.

"No degree of contingency of an enjoyment in possession by the remainder man of the estate limited to him, affects the question of its being vested or contingent." Ib., p. 242. But to add to the authorities cited in the Zup plien case is unnecessary. If a testator intend that no benefit shall score to his children or their heirs, unless they survive the widow having

the life interest, he must in some manner ex press such intention. The will gave the son a vested interest, and his will, devising the same to his mother, must be sustained. Nancy Wirt, as sole heir of the mother, is entitled to the son's interest in the devised land, and Elizabeth Manghan Colburn takes her share under her father's will.

Let judgment be entered accordingly, the costs

to be equally divided. Miscellaneous Items.

office care from \$12 to \$20 per week.

MARK TWAIN'S next work will be called "The nocents at Home." The edition will be limited. A WESTERN editor seeing two washer women out quarrelling, quoted Tennyson, "Wring out, wild

Tax female compositors in the Boston Truseller

A NEW door has recently been opened to womenthat of ticket agent in the country railroads. Several Western roads have adopted the system. A Wiscosus minister the other Sunday warned

young ladice that the first step to rain was a yard

of gay ribbon and an ostrich feather.

gent law against profanity, has very cautiously ad-dressed a letter to his brother at Amsterd-m. As Illinois woman, who wanted to go to a masquerade party as Mary Queen of Scots, looked

brough the Bible to ascertain how the character Turne are two patient white men in Gaston, N. C. Last Monday they got into a fight, at the end of which one threw the other down and sat on him for four

AUGUSTE COMTE was preaching his philosphy mong the students. "Well," said be, "bare I svinced you?" "Certainly, but one thing troubles mc—your nearsightedness. A Messiah in spectacles I could never accept." THE St. Catharine's (Canada) Daily Times contains

formed that " her moments were brief after the King of Terrors appeared." Tup first colored woman to enter upon the of law in the United States is Miss Charlotte E. Bay, daughter of Rev. Charles B. Ray. She has entered the Law Department of Howard University, Wash-

he announcement of the death of an estimable lady raiding near that place, in which the reader is in-

"Sin, you are a fool!" "Do you call me a fool, Sir ?" "Yes, sir." "You do, Sir?" "Yes, sie! I would call any man a fool who behaves as you do." Oh! you would call any man a fool. Then I canot consider it personal. I wish you good morning THE NEW YORK She is rather severe on the you

men at Cambridge. In describing a new hotel is f an intellegent cast of countenance. They look the graduates of Harvard College." "Das," said a little four-year old, "give me a sixpence to buy a monkey." "We have got one mankey in the house now," replied the elder bruth-er. "Who is it, Dan?" "You," was the reply.

Then give me sixpence to buy the monkey o "WELL, John, I've got safely back, you see," said country rector, just returning from a two years of the East, to a Yorkshire farmer. "E ! nees Lebenon and Jerusalem, the twelve pa and the wells of water in the great desert. Veroes the Jordan and up Mount—16 "Kye etseruptin' you noo, Mr. Rector," replies but if it be a fair question, hoo was in

out youder F' ARCHESTOP BONALD, of Lyons, who ied, was uncommonly absent minded. Cally on a sick member of his Sock, he acciby 05 s and memory.

A few inimites after in hurried to the exthedral where he was to gre
After mounting the pulpit he looked for the not had jotted down in the prayer-book and expose his endgregation the feir pealtent's slipper, who ad picked up by mistake.

A Parson Painer, landing the superior virtue of a religious over a civil ceremony of marriage deciared that every upion he had blessed had been blessed, and produced the following letter in proof:

"Respectab Size: Since we received your blessing, we have been so completely happy, that after top years of married life, we have just welcomed our two with buby. Under these circumstances, my long-band loted me to the never that you mustic stoolly

the world so receiver that no country open that point, now.